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SUBJECT: 6TH HUMANITARIAN RESETTLEMENT PROCESS JOINT WORKING GROUP
MEETING, NOVEMBER 14, 2008

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11. (U) Summary: During the sixth and final Humanitarian Resettlement process (HR) Joint Working Group (JWG) meeting on November 14, the USG and GVN evaluated the HR process, its impact, and modalities for bringing it to conclusion. The GVN stated that exemplary bilateral cooperation on the process boded well for future endeavors together. On the other hand, the GVN lamented that the approval rate was so low, indicative of much effort for little result. The GVN called for USG immigration policy to place more emphasis on family re-unification. We noted that notwithstanding a high level of public interest, few applicants were being approved because the qualifying events took place 30 to 40 years ago. The GVN stated unequivocally that it would continue to cooperate on HR and other resettlement processes, but reiterated its opinion that HR should have completely concluded by June 25 and that the Humanitarian Resettlement Section (HRS) should have closed then. Consequently, the GVN considered the JWG's work as having finished; therefore, a different mechanism for ongoing resettlement cooperation would be needed. We explained the circumstances -- including document verifications we need back from the GVN -- why we cannot fix a date certain for the complete closure of all HRS activities. The GVN asked the USG to provide in writing its plans to complete HR processing. The meeting atmosphere was collegial, and the GVN's (largely pro-forma) complaints were mild in tone. The JWG-level consensus between the two governments is that HR has successfully shown that there is no further need for resettlement based on ODP categories because there are very few people left who might qualify. That said, HR has shown both governments that tens, if not hundreds of thousands connected in some way with the pre-1975 Republic of Vietnam still want to leave Vietnam for the U.S. End summary.

12. (U) Post hosted the sixth session of the JWG on November 14 in the Humanitarian Resettlement Section's (HRS) conference room. Representing the GVN were Le Xuan Vien, Deputy Director of the Ministry of Public Security's (MPS) Department of Immigration and Emigration, and seven other MPS and MFA representatives. Representing the USG were DPO Angela Dickey, HRS Chief Tim Swanson, and CIS OIC Mary Ann Russell. HRS provided a statistical update on activity in the eleven months since the fifth meeting. HRS had opened about 1,400 cases and USCIS had adjudicated about 2,500, approving almost 500. Of the nearly 65,000 HR applications received, only about ten percent had been received in the final six months before June 25. The number of applications had gone up for a few weeks after the final PIO in January and February. One sign of the PIO's effectiveness was that fewer than 200 applications (about 0.3 percent) arrived after the June 25 deadline. Similarly, the GVN

reported that of the more than 8,000 passports it had issued to persons who described themselves as HR applicants, 352 came after the fifth JWG meeting. Provincial passport offices in the 35 provinces and cities covered by the third PIO reported that they had received thousands of inquiries about HR after the PIO, but that most of the potential applicants did not appear qualified.

13. (U) Mr. Vien, who did most of the talking for the GVN, stated that local authorities had discovered an increasing percentage of HR cases including imposters, with 22 reported so far. Most commonly, married children of HO applicants were replaced with still unmarried add-on family members. The GVN side has teased us with fraud information before in an effort to persuade us to provide a list of all HR applicants (the so-called "List A"), but this time, Vien stated that the GVN would be willing to share information about these cases indicating that some of the Principal Applicants were probably otherwise eligible for HR. In many, if not all of these cases, he continued, the detected fraud triggers a five-year exit ban, so we will probably come to know of these cases anyway.

Completing the Process

14. (U) HRS explained that about 1,400 applicants still need to be interviewed. About 400 were to be completed by the USCIS circuit ending in mid-December. A planned circuit ride beginning in early February after Tet and lasting until early April will be able to complete all remaining interviews. However, verification results were still pending on 143 Re-education Camp Release Certificates HRS had sent to MPS. Counting those sent by USCIS after interview, 357 verifications were pending with 20 not yet sent. As we had previously learned that the GVN had no means of expedited processing, we urged the GVN to do what it could to complete the verifications quickly.

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15. (SBU) Vien reaffirmed that the GVN will continue to cooperate with the USG to conclude HR. However, he said that the JWG's work concluded with this final meeting so a new mechanism for cooperation would be needed. The term for HR ended on June 25 and in order to continue smooth cooperation, the USG should inform the GVN by diplomatic note of the following:

-- The USG wishes to prolong the period for interviewing HR and other resettlement applicants.

-- The composition, personnel, and tasks of the HRS and International Organization for Migration (IOM) employees working in HRS.

16. (SBU) Vien said that after receiving the diplomatic note, his side would prepare a report for GVN decision makers on the subject. He explained that the decision makers "had not imagined" that HR or HRS would continue after June 25. Rather, they thought that HRS was "born" to administer HR and that both the process and the section would cease as of that date. He also suggested that HRS's name be changed. Vien indirectly indicated that this formality was necessary to satisfy higher-level decision makers and that as a practical matter, there would be no impact operations or cooperation. The GVN also suggested that the two sides prepare a joint report on the outcome of HR, indicating that it might be desirable to share this report with other parties.

17. (U) We outlined our plans for concluding work on HR, closing down HRS, and factors impacting the handling of remaining cases.

A key point is that adjudicated cases formally become the responsibility of USCIS. Also, we cannot predict when the last HR applicants will travel to the U.S. The most common reason for delay at this point is the wait for GVN verifications of Re-education Camp Release Certificates. Medical-related issues can delay the departure of approved applicants. More than 1,000 refused applicants have submitted Requests for Reconsideration that have not yet been adjudicated. We also explained why the

process will take somewhat longer than predicted at the last JWG meeting. The number of cases screened in was larger than anticipated because the screen-in rate stopped falling.

¶18. (SBU) Although the GVN did not wish to discuss matters outside HR, we also summarized HRS's role in other resettlement processes such as Visas-93 and Amerasian. While these will be transferred to OPE Bangkok, or -- for Amerasians -- to the Consular Section, HRS is attempting to complete as many of these cases as possible. HRS's responsibility for these other processes is the primary reason why setting a definite date certain for HRS closure is impossible; Even if all HR processing had completed by 25 June 2008, we would still need to process these other cases. We reminded the GVN that HRS is materially closer to closure; HRS's staff count has fallen from a high of about 45 to 29 personnel and will drop to about 6 by mid-2009 before closing entirely by the end of CY 2009. We agreed to provide the GVN a diplomatic note with information about our plans to complete HR processing and close down HRS.

Vietnamese View on Humanitarian Resettlement

¶19. (SBU) Early in the meeting Vien praised the joint workshop held by members of the JWG along with provincial passport offices from the Central Highlands and Danang on 30 June. He noted that it had helped both sides understand each other's procedures. The provincial passport officers reportedly found the presentations on U.S. resettlement processing and eligibility very useful. The GVN officials also appreciated learning more about USG resettlement processing and policies globally. Vien said this had been the first time the overall U.S. program was explained to them and it was eye-opening to see that Vietnam was a rather small part of a much larger whole.

¶10. (SBU) On HR itself, Vien stated that there were three remarkable positive characteristics. First, the PIO was unprecedented in scope and length. Previous rounds of resettlement had not been publicized through the media to anything like the extent of HR. The media effort was multiplied by overseas sources. Therefore, Vien opined that everyone interested should have been able to learn about HR. The second point was the large number of persons interested in HR. Based on the over 100,000 application forms distributed and a family size of 10, applications reached about one million people. Using the same family size and the over 60,000 applications received, over 600,000 persons expressed interest in resettlement. (Note: We do not know why Vien used 10 as a

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family size multiplier; this seems too high. End note.) Third, the cooperation between the two sides was friendly, effective, and mutually respectful; it could be considered a model for cooperation in other areas.

¶11. (SBU) On the other hand, the GVN offered some critiques of HR. Using the numbers cited in Para 10, only about 1.6 percent of applicants were found qualified, a number that was too small, Vien said. While acknowledging that U.S. immigration policy had to be followed and agreeing with the USG point that the passage of time made it difficult for many applicants to demonstrate that they were qualified, Vien said that the U.S. should ensure family re-unification, remarking on the importance of family and family unity to the Vietnamese people. The GVN regretted that the cooperation between the two governments had not been reflected in the U.S. media or by U.S. citizens. For instance, House Resolution 3096, the "Vietnam Human Right Act," claimed that the GVN did not approve passport issuance for Vietnamese citizens and that the GVN did not give its citizens permission to leave the country. Vien said this was increasingly erroneous as the passport application processing time had dropped from between three to six months to a current time of seven to ten days.

USG Evaluation

¶12. (SBU) We stated that the purpose of HR was to provide to

those eligible for, but who had not been able to take advantage of the ODP process, a final opportunity to apply and for consideration for resettlement to the United States. The hope has been that after HR, there would be no further need for ODP-like resettlement programs from Vietnam because virtually everyone who could go and wanted to resettle would have done so.

There are several signs that HR has been successful: 1) the large number of applications received from all parts of Vietnam; 2) the lack of claims that local authorities had interfered with the application process -- a common complaint under the ODP; 3) the openness of GVN cooperation on the PIO and other matters related to implementing HR. The large number of applicants, the small percentage who were screened in, and the even smaller portion qualified for resettlement also collectively demonstrates that HR has met its goal. In conclusion, we noted that the two sides' goals in HR were compatible and that made it possible to work through the procedural and other differences created by our two different systems.

Comment

¶13. (SBU) The GVN notion that HR should have ended completely on 25 June 2008 is not new -- they have bandied it about many times and we have consistently answered that the date signified the end of the application period -- just as we have applied cutoff dates to previous resettlement processes. It seems that the GVN members of the JWG are perfectly comfortable with our definition of the cutoff date; they raise the issue to satisfy their superiors and to remind us that the GVN's patience is not endless. We bypassed the usually contentious fraud prevention/List A issue by holding a separate, working level meeting the week before. At the working level, practical concerns related to questionable documents and other types fraud were easier to explain. By paying attention to each other's concerns in the HR process and building professional relationships, we seem to have made some concrete gains in the bi-lateral relationship.

¶14. (SBU) Ultimately, both sides have been interested in concluding resettlement stemming from the aftermath of the war that ended in 1975, and these compatible interests have helped us work through differences of opinion and procedure. The JWG-level consensus between the two governments is that HR has successfully shown that there is no further need for resettlement based on ODP categories because there are very few people left who might qualify. That said, HR showed both governments that tens, if not hundreds of thousands connected in some way with the pre-1975 Republic of Vietnam still want to leave Vietnam for the U.S. End comment.
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